

Rev. 2002	
<b>STATE OF NEW HAMPSHIRE</b> <b>DEPARTMENT OF TRANSPORTATION</b> <b>DISPOSAL AGREEMENT</b> (This does not apply to disposal areas operated by a public agency)	
Project _____	Project Number(s) _____
Property Owner(s) _____	Location _____
This form sets forth the conditions under which the Department will approve the disposal of surplus or waste material by a Contractor who, under contract as an agent of the Department, seeks to open and operate a disposal site on the referenced property in accordance with Sections 106, 201 and 203 of the New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction applicable to the referenced project.	
<b>By signature herein, the Contractor (agent) and the property owner(s) acknowledge and agree to the following conditions and specifications subject to Departmental approval:</b>	
<b>(1)</b> Prior to the start of disposal operations, this agreement shall be executed by the Contractor, the property owner(s), and the Department's Contract Administrator, with written approval received from the Department.	
<b>(2)</b> The Contractor shall not dispose of material considered to be hazardous or injurious to public welfare, including contaminated soils and asbestos, except as permitted by federal, state and local regulations. Solid waste shall be disposed of according to all federal, state and local regulations.	
<b>(3)</b> Prior to the start of disposal operations, the Contractor shall complete an Historic and Archaeological Resources certification in accordance with the Contract, for areas affected by the disposal, or by any haul road constructed for access to the disposal area.	
<b>(4)</b> Prior to the start of disposal operations, the Contractor shall investigate impacts on existing wetlands by arranging for a qualified person recognized by the Department of Environmental Services (NHDES) capable of performing such an investigation. The Contractor shall apply to, and receive from the NH Wetlands Bureau, any wetlands permit(s) required prior to the start of disposal operations.	
<b>(5)</b> Pursuant to Executive Order 11988, dated May 24, 1977, the Contractor shall not dispose of materials within the boundaries of any floodway, or within the limits of any 100 year floodplain, or within any area that violates Executive Order 11988 without the expressed written permission of appropriate federal, state, and local agencies. It shall be the responsibility of the Contractor to ascertain and mark the boundaries of such floodway and floodplain using available information from federal, state or local resources.	
<b>(6)</b> Approval by the Department to open and operate the disposal area will expire at the specified or extended completion date of the project. Access roads to the area adjacent to highways shall be obliterated unless permission is given by the Department to preserve such access roads. If the Contractor has removed screening trees and brush between the highway and the disposal area, the area shall be replanted to provide a screen in a zone along the edge of the pit as directed by the Department.	
<b>(7)</b> Disposal or transportation of material by the Contractor shall not be exempt from local zoning or other applicable ordinances. The Contractor shall apply directly to local municipalities for possible exemptions to such ordinances.	
<b>(8)</b> Disposal of brush from clearing and grubbing operations shall be as specified in Section 201 of the Standard Specifications. Disposal of surplus and waste material from roadway excavation shall be as specified in Section 203 of the Standard Specifications. Reclamation of the disposal area shall meet the requirements of <b>RSA 155-E:5,I,II,III,IV, and V</b> (for excavation sites) prior to acceptance of the project.	
Prior to acceptance of the project, the Contractor shall finish the disposal area in accordance with the noted RSA's and applicable specifications. By the box(es) checked below, the property owner(s), the Contractor, and the Department's Contract Administrator shall agree on the specific minimum landscaping treatment required in order for the reclamation to be acceptable to the Department:	
<input type="checkbox"/> The entire area is to be fertilized and seeded.	
<input type="checkbox"/> The entire area is to be planted with seedlings.	

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<input type="checkbox"/> Part of the area is to be seeded and the remainder planted with seedlings as agreed below.  Seedlings shall be _____ (Age or size, species, variety) planted 8 feet center to center, or _____ . (Spacing)  Additional landscaping required and any pertinent information desired to be a part of the official record is <input type="checkbox"/> attached, or <input type="checkbox"/> noted below:   Landscaping provisions approved by: _____ <div style="display: flex; justify-content: space-between;"> <span>NHDOT Contract Administrator</span> <span>Date</span> </div>			
<p>The Contractor's attention is directed to <b>RSA 482-A:3</b>, the requirements of which must be fulfilled if this disposal area involves excavation or dredging of wetlands. Furthermore, the Contractor's attention is directed to <b>RSA 483-B</b> and <b>RSA 485-A:17</b>, the provisions of which must be fulfilled if this disposal operation involves filling on the border of the surface waters of the state or will significantly alter the characteristic natural runoff or create an unnatural runoff; and <b>RSA 149-M</b> if the Contractor intends to dispose of solid waste, including stumps. The Contractor's attention is also directed to Section 10 of the Rivers and Harbors Act of 1899, and Sections 401 and 404 of the Clean Water Act, for which compliance may require a permit for work in or affecting "navigable waters of the U.S.," or material placed in "waters of the U.S.," including wetlands. The Contractor's attention is also directed to Executive Order 11990 if this disposal area will affect wetlands.</p>			
_____ Signature of Owner		_____ Name(s) of Joint Owner(s)	
_____ Street		_____ Street	
_____ Town		_____ Town	
_____ State		_____ State	
_____ Contractor		_____ By (Signature)	
		_____ Date	
<p>If joint owners are involved, the Owner signing should give all other names and addresses. Separate forms should be filed in connection with adjacent owners.</p>			
Distribution: <input type="checkbox"/> Contract Administrator <input type="checkbox"/> Construction Bureau <input type="checkbox"/> Engineering Audit <input type="checkbox"/> Property Owner <input type="checkbox"/> Contractor			